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REMARKS

This amendment is filed in response to the Office Action dated November 3, 2003.

Applicant submits that this application should be allowed and the case passed to issue.

No new matter is raised by this amendment. The amendment to claim 1 is supported by originally filed claims 4-6. The amendment to claim 15 corrects informalities. Support for amended claim 20 is found in claims 1 and 4-6, as originally filed. The amendments to the specification and abstract correct obvious informalities.

Claims 1-3 and 7-27 are pending in this application. Claims 1-3 and 7-27 are rejected. Claims 4-6 have been cancelled.

*Claim Rejections Under 35 U.S.C. § 102*

Claims 1-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sato et al. (EP 0 859 378 A1); Yoshida et al. (EP 0 884 739 A1); Akihiko (JP 2000068117); or Koji (JP 2000244176). These rejections are traversed, and reconsideration and withdrawal thereof respectfully requested. The following is a comparison between the instant invention as claimed and the cited prior art.

An aspect of the invention, per claim 1, is an electromagnetic wave absorbent comprising an insulative resin operable as a bonding agent and a plurality of magnetic powders dispersed into the insulative resin. The magnetic powders have substantially a predetermined plane shape and predetermined thickness. The thickness of each of the magnetic powders is within a range of  $\pm 15\%$  of the predetermined thickness. The thickness of any portion of each of the magnetic powders is within a range of  $\pm 10\%$  of the predetermined thickness, and an area of the plane shape of each of the magnetic powders is within a range of  $\pm 10\%$ .

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Another aspect of the invention, per claim 16, is a method for producing magnetic powders for an electromagnetic wave absorbent, wherein the magnetic powders are dispersed into an insulative resin, comprising the steps of preparing a plating mold pattern formed with an electrode range corresponding to a predetermined plane shape of the magnetic powders, and an insulative range surrounding a periphery of the electrode range. A film is precipitated in the electrode range through electroplating using the plating mold, wherein the electrode range acts as a cathode. The magnetic film is peeled from the plating mold to obtain the magnetic powders.

Another aspect of the invention, per claim 20, is an electromagnetic wave absorbent comprising an insulative resin operable as a bonding agent and a plurality of magnetic powders dispersed into the insulative resin. The magnetic powders have substantially a predetermined plane shape and predetermined thickness. The thickness of each of the magnetic powders is within a range of  $\pm 15\%$  of the predetermined thickness. The thickness of any portion of each of the magnetic powders is within a range of  $\pm 10\%$  of the predetermined thickness. An area of the plane shape of each of the magnetic powders is within a range of  $\pm 10\%$ . The electromagnetic wave absorbent is manufactured by a process comprising the steps of preparing a plating mold pattern formed with an electrode range corresponding to a predetermined plane shape of the magnetic powders, and an insulative range surrounding a periphery of the electrode range. A film is precipitated in the electrode range through electroplating using the plating mold, wherein the electrode range acts as a cathode. The magnetic film is peeled from the plating mold to obtain the magnetic powders.

Contrary to the Examiner's assertions, Sato, Yoshida, Akihiko, and Koji do not anticipate the claimed electromagnetic wave absorbent or the method for producing magnetic powders. Sato, Yoshida, Akihiko, and Koji do not disclose the magnetic powder having substantially a

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predetermined plane shape and predetermined thickness, wherein the thickness of each of the magnetic powders is within a range of  $\pm 15\%$  of the predetermined thickness, the thickness of any portion of each of the magnetic powders is within a range of  $\pm 10\%$  of the predetermined thickness, and an area of the plane shape of each of the magnetic powders is within a range of  $\pm 10\%$ , as required by claims 1 and 20. In addition, Sato, Yoshida, Akihiko, and Koji do not disclose the electroplating process, as required by claim 16.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the disclosure in a single reference of each element of a claimed invention. *Helifix Ltd. v. Blok-Lok Ltd.*, 208 F.3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994); *Hoover Group, Inc. v. Custom Metalcraft, Inc.*, 66 F.3d 399, 36 USPQ2d 1101 (Fed. Cir. 1995); *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). Because Sato, Yoshida, Akihiko, and Koji do not teach each and every element of claims 1, 16, and 20, in particular the claimed magnetic powder with the claimed thickness and area dispersions, and the electroplating process, Sato, Yoshida, Akihiko, and Koji do not anticipate claims 1, 16, and 20.

Applicants further submit that Sato, Yoshida, Akihiko, and Koji do not suggest claims 1, 16, and 20.

The dependent claims are allowable for at least the same reasons as the independent claims from which they depend, and further distinguish the claimed invention. For example, claims 2 and 27 further require that each of the magnetic powders comprises Ni-Fe alloy containing Fe 15 to 55 wt%. Claim 9 further requires that the plane shape of the magnetic

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powders is elliptical. Claim 10 further requires that a space factor of the magnetic powders in the electromagnetic wave absorbent is within a range of 15 to 40 vol%. Claim 11 further requires that the average crystal grain diameters of the magnetic powders are 100 nm or smaller. Claim 12 further requires that each of the magnetic powders are flat in shape. The cited prior art does not suggest the claimed electromagnetic wave absorbent with these additional limitations.

In light of the Remarks above, this application should be allowed and the case passed to issue. If there are any questions regarding this application, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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